

Social Security

Your Right
To Question The
Decision Made
On Your Claim



www.ssa.gov

Social Security wants to be sure that everyone eligible for Social Security benefits receives them. We carefully look at all the facts we have before we decide if someone should receive Social Security.

If we decide you shouldn't receive Social Security benefits, or if you disagree with our decision because it was only partly favorable to you, you can appeal our decision. That means you can ask us to look at your case again.

When you ask for an appeal, we will look at the entire decision, not just the part you disagree with. If our decision was wrong, we'll change it.

This leaflet tells you about appeals and how to use them to make sure the decision on your claim is correct. There are four levels of appeal. If you are not satisfied with the decision at one level, you may appeal to the next. The levels are (1) reconsideration, (2) hearing, (3) Appeals Council review and (4) federal court review.

When we send you a letter about a decision on your claim, we'll tell you how to appeal the decision.

When And How To Appeal

The most important thing to remember about appeals is the limited time you have to ask for one. Generally, you have 60 days from the date you get the letter about the decision in your case to request an appeal. We assume you get the letter within five days after the date on it, unless you can show us you got it later.

When you want to appeal a decision, you must put the request in writing. You can get the appeal form from us or you can send us a signed note with your Social Security number and claim number stating that you wish to appeal the decision in your case.

Your Right To Representation

While many people file their appeals with help from the Social Security office, other people get someone to help them or to “represent” them when they appeal a claim. Your representative may be a lawyer or other qualified person familiar with you and the Social Security program. We will work with your representative just as we would work with you. He or she can act for you in most Social Security matters and will receive a copy of any decisions we make about your claim.

Your representative cannot charge or collect a fee from you without first getting written approval from us. If you want more information about having a representative, call us. We can give you a free factsheet, ***Your Right To Representation*** (Publication No. 05-10075).

Reconsideration

A reconsideration is a complete review of your claim by someone who had no part in the first decision. We will look at all the evidence submitted when we made the original decision, plus any new evidence.

When we finish the reconsideration, we'll send you a letter explaining the decision.

Hearing

If you disagree with the reconsideration decision, you may ask for a hearing. The hearing will be conducted by an administrative law judge who had no part in the original decision or the reconsideration of your case.

The hearing is usually held within 75 miles of your home. The administrative law judge will notify you of the time and place of the hearing.

Before the hearing we may ask you to give us more evidence, clarification or information about your claim. You should give us this information as soon as you can.

You and your representative, if you have one, should come to the hearing and explain your case in person. You may look at the information in your file and give new information.

The administrative law judge will question you and any witnesses you bring to the hearing. You or your representative also may question the witnesses.

It is usually to your advantage to attend the hearing. If you don't wish to do so, you must tell us in writing that you don't want to attend. If you are unable to attend the hearing because of your health, you should tell us and we may be able to make other arrangements. Unless the administrative law judge believes your presence is needed to decide the case and requires you to

attend, you will not have to go. He or she will make a decision based on all the information in your case, including any new information you give.

When the administrative law judge makes a decision, we'll send you a letter and a copy of the decision.

Appeals Council Review

If you disagree with the hearing decision, you may ask for a review by Social Security's Appeals Council.

The Appeals Council looks at all requests for review, but may deny a request if it believes the hearing decision was correct. If the Appeals Council decides to review your case, it will either decide your case itself or issue an order returning it to an administrative law judge for further action.

If the Appeals Council denies your request for review, we'll send you a letter explaining the denial. If the Appeals Council decides your case itself, we'll send you a copy of the decision. If the Appeals Council returns your case to an administrative law judge, we'll send you a letter and a copy of the order.

Federal Court

If you disagree with the Appeals Council's decision or if the Appeals Council decides not to review your case, you may file a lawsuit in a federal district court.

The Importance Of Time Limits

If you don't appeal within the 60-day time limit, you may lose your right to appeal and the last decision we made becomes final. For example, if you don't ask for a reconsideration within 60 days, you may lose your right to have your case reconsidered.

If you have a good reason for not appealing your case within the time limits, we may give you more time. A request for more time must be made to us in writing, stating the reason for the delay.

When the last day of a time limit is on a Saturday, Sunday or national holiday, the time limit ends on the next workday.

For More Information

If you have any questions about the decision made on your claim or any other Social Security matter, give us a call. We'll be glad to help you. Our address and phone number are shown on the letter you got with this leaflet.

You also can reach us on the Internet. Type ***www.socialsecurity.gov*** to access Social Security information.

Social Security Administration

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